



12/21/01

1641

Box 500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: PTQ-0028

Inventors: Van Eyk et al.

Serial No.: 09/419,901

Filing Date: October 18, 1999

Examiner: Cook, Lisa

Group Art Unit: 1641

Title: Methods of Diagnosing Muscle Damage

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Date of Deposit - December 18, 2001

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

By Kathleen A. Tyrell  
Typed Name: Kathleen A. Tyrell

Commissioner for Patents

**BOX Sequence**

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Washington, DC 20231

Sir:

**RESPONSE TO NOTICE TO COMPLY**

In response to the "Notice to Comply" dated November 28, 2001, a response to which is due December 28, 2001, enclosed herewith is:

(XX) Amendment under 1.825;

(XX) Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821 through 1.825;

(XX) Substitute pages of the Sequence Listing;

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(XX) Substitute copy of the computer readable form of  
Sequence Listing;

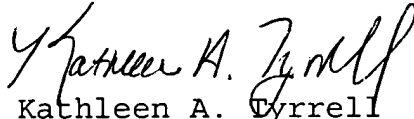
(XX) Copy of Notice to Comply;

( ) Petition for Three (3) Month Extension of Time;

( ) Other: \_\_\_\_\_.

The Commissioner is hereby authorized to charge any  
underpayment associated with this communication or credit any  
overpayment to Deposit Account No. 50-1619. This sheet is attached  
in duplicate.

Respectfully submitted,

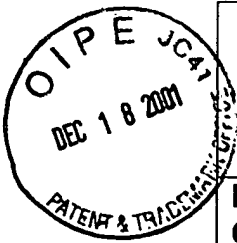


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Date: December 18, 2001

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<b>Notice to Comply</b>	Application No.	Applicant(s)
	09/419,901	Van Eyk et al.
	Examiner	Art Unit
	Lisa V. Daniels-Cook	1641

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

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